

MILFORD PLANNING BOARD MINUTES

March 16, 2004, Board of Selectmen's Meeting Room, Town Hall, 6:30 PM

PRESENT: Steve Sareault, Chairman
Paul Amato, Vice-Chairman
Tom Sloan
Walker Fitch
Jim Dannis

Bill Parker, Director of Planning and Community Development
Bobbi Schelberg, Recording Secretary

EXCUSED: Dick D'Amato, Alternate
Noreen O'Connell, Selectmen's Representative

AGENDA ITEMS

1. **Minutes** – January 20, 2004, February 17, 2004.

New Business

1. **Milford Lumber Company Inc. – 72 Mont Vernon Street – Map 21, Lots 23-1, 23-2, 23-3** – Public hearing for a minor site plan revision – Relocation of lumber racks.
2. **Unitarian Universalist Congregation in Milford – 20 Elm Street – Map 25, Lot 59** - Public hearing for an amendment to the approved site plan.
3. **Danielson Realty Trust & Hampshire Hills Racquet & Health Club Emerson Road –Map 48, Lots 36,41,52** - Public hearing for a design review (preliminary plan) for the construction of an indoor track/soccer field building and two multi-purpose exterior field areas for soccer and baseball.

Old Business

4. **Falcon Ridge/River Road Trust - Maple St. & Whiting Hill Rd. - Map 3, Lots 4 & 5** - Open space subdivision consisting of 46 lots. (Tabled from 2/17/04)
5. **Jamin Warren / Wyman Farm, LLC – Ponemah Hill Road – Map 54, Lots 1, 1-1 & Map 53, Lots 25,26** - Design Review for Open-Space Subdivision consisting of 13 lots. (Tabled from 2/17/04)
6. **Other**
 - a. Recommendation to BOS on Board member reappointments
 - b. Clarification on phasing condition, Patch Hill

Milford Planning Board Minutes – March 16, 2004

1. **Minutes:** J. Dannis moved, seconded by T. Sloan, to table approval of the January 20, 2004 and February 17, 2004 Planning Board minutes to the April 20th meeting, pending final editing. Motion unanimously approved.

New Business

2. **Milford Lumber Company Inc. – 72 Mont Vernon Street- Map 21, Lots 23-1, 23-2, and 23-3; Public Hearing for a minor site plan revision – relocation of lumber racks.**

Prior to the start of the public hearing, Board member P. Amato recused himself from the deliberations since he is also an abutter (Souhegan Valley Boys and Girls Club).

B. Parker read the list of abutters. Vice-Chairman S. Sareault allowed Steve Gryzwacks, owner of Milford Lumber Co., to present the proposal. S. Gryzwacks explained that the lumber company was seeking site plan approval to relocate a 60' x 90' lumber storage shed from the Mont Vernon Street side of the property to the back, southwesterly corner of the site. The approved structure, not built at this time, would be replaced by covered lumber racks, 105' x 57.4' in size.

T. Sloan sought clarification on whether the new structure was open on all sides, whether there would be storage of materials within the setback, and on the location of the old Stage Festival sign on Mont Vernon Street and its limitations to sight distance, and if the applicant would be willing to take action to improve sight distance. S. Gryzwacks stated that the structure would be open on all sides, materials would be stored in the setback as they currently are, and that he would be willing to talk with the sign owners.

There were no comments or questions from the audience. J. Dannis moved to approve the minor site plan modifications subject to the conditions in the staff memo dated March 16, 2004. The motion was seconded by Walker Fitch, and approved by a 3-1 majority (Yes: Sareault, Fitch, Dannis; No: Sloan). The conditions of approval are as follows:

That prior to the Board signing the site plan:

1. A note be added to the revised plan (second sheet) indicating that the revisions only pertain to the location, specifications, use, and design of the relocated lumber storage building.
2. A note be added to the plan indicating that all other referenced information should refer to the approved site plan of March 18, 2003.

3. **Unitarian Universalist Congregation in Milford – 20 Elm Street – Map 25, Lot 59 – Public Hearing for an amendment to the approved site plan.**

Vice-Chairman S. Sareault read the application request. B. Parker read the abutter list. The Chairman then recognized Dana Marangi, 12 Grove Street, member of the Unitarian-Universalist congregation and representative for the Greater Nashua Interfaith Housing Network (GNIHN). Also with Ms. Marangi were representatives of the GNIHN and the

Church, including Laurie Skibbett, Helen Goodekuns, Ruth Heden, Barbara McKissock (Church minister) and Peter Lippitt (Church president). D. Marangi explained that the Church was before the Board because a condition of the 1995 site plan approval for the church addition states that any leasing and/or renting of space for uses other than Church classrooms and functions needed approval by the Planning Board, the rationale being primarily to review impacts on limited parking and restrictive access.

D. Marangi explained that the proposed use was to host homeless families in a transitional program, for periods of one week at a time, no more than 5-6 times per year at any single church working in the program, in Milford these being the Unitarian Church, the Methodist Church, and the Light of the World Church. As explained, there would be no more than 14 people at a time, they would arrive on Sunday afternoon, meals would be prepared, will be accompanied by church member on the premises at all times, van transportation would be provided to take people into Nashua for showers and services, and the families would be subject to stringent qualifications. D. Marangi noted that there would be no impact on parking and access issues were limited.

Discussion followed relative to where the families came from, the services provided, and where children attended school. Katie Chambers, Town Administrator, was in the audience and asked for clarification on whether this use was allowed for all churches in Town and if there was a charge for the service. D. Marangi stated there was not charge for this, and that other churches were not subject to this condition. B. Parker noted that because of the site plan for the addition from several years ago, this was the only church in Town subject to this kind of condition. This led to discussion among Board members, at the suggestion of S. Sareault, that the Board and Town may need to develop use agreements with local churches, so as to be able to foresee and address possible use impacts, such as other residential uses. J. Dannis noted he was inclined to vote for this request, that the program was wonderful, but there was an issue regarding quantifying this and similar programs.

After additional discussion and consensus that this was a worthwhile program, a motion was made by J. Dannis, seconded by P. Amato, and unanimously approved allowing the GNIHN transitional homeless use subject to the following conditions:

1. The total number of guests be limited to 14 as described in the letter from Dana Marangi dated February 8, 2004;
2. Final recommendations and approval be given by the Building/Health Inspector and Fire Department as to the location and condition of the accommodations with the building for the guests;
3. That housing for the 14 guests be limited to no more than 6 times per year (six one-week periods)
4. That guest cars not be located on the site;
5. That the Planning Board conduct a general review of potential allowable residential activities in local churches, and that the Unitarian Universalist transitional homeless housing use will be subject to any applicable review and requirements as may be developed by the Board.

3. Danielson Realty Trust & Hampshire Hills Racquet & Health Club – Emerson Road – Map 48, Lots 36, 41 and 52 – Public Hearing for a Design Review (Preliminary Plan) for

the construction of an indoor track / soccer field building and two exterior fields areas for soccer and baseball

Chairman Sareault read the application and announced it as a public hearing with abutter notification. B. Parker read the abutters list. S. Sareault then allowed Rick Holder, owner of Hampshire Hills (HH), to present the proposal.

R. Holder explained previous proposals for the site, including a plan approved years ago for 200 homes, and more recently proposals for expansion of indoor and outdoor facilities on the HH property situated to the east of the current facility. R. Holder stated that resolution of outstanding issues with the State DES were being finalized regarding wetlands, erosion control and conservation easements. R. Holder noted that the purpose of the meeting this evening was to present the preliminary plans for a new indoor facility, to be air-supported, for indoor soccer and track, as well as future phasing in of two outdoor fields. R. Holder explained that there was a critical need for this type of facility, and it was proposed to be utilized for private organizations and offered for public use as practical. The facility would be similar in concept to the Franklin Pierce facility, with air-lock entry, and supported by a constant flow of air volume allowed in that would support the structure, which would be a coated, Dacron polyvinyl membrane.

Jay Heavisides, of Meridian Land Services and engineer for the project, reviewed the site layout and mitigation measures relative to drainage and site impacts. J. Heavisides explained access and parking plans, with the bulk of the parking to be at the main structure (194 spaces +/-) and other parking proposed for the southerly two outdoor fields. Drainage would primarily be designed to be sheet flow to the on-site wetlands. Runoff from the structure would be designed to flow to detention system underneath the large parking lot. J. Heavisides noted that a lighting plan would be provided, and that the Zoning Board would be hearing a special exception application on wetland disturbance.

Discussion followed and J. Dannis questioned what is being done to make the facility fit into the "residential" community in the area, would usage be compatible, and that he would recommend a model or digital mock-up to get a sense of compatibility of the structure with the neighborhood, as well as traffic generation and traffic pattern numbers. W. Fitch asked for further clarification on dome lifespan, construction, and impacts on drainage patterns. S. Sareault indicated concern with access to the rear fields, and the distance to get emergency vehicles to the rear, and whether there would be phasing of the site development. R. Holder indicated he would address Board concerns, and work with the Town on traffic and emergency access. B. Parker noted that traffic impacts will be considered as part of the ongoing Nashua Street/Ponemah Hill Road analysis being conducted by Steve Pernaw.

S. Sareault then opened the public hearing to allow abutters to speak. Doris Faye, Federal Hill Road, expressed concerns that the site development would impact her dug well. R. Holder stated he would work with Mrs. Faye to insure the well was not impacted. Similar concerns were expressed by Katherine Kendall, 75 Federal Hill Road, and Herve Jacob, 94 Federal Hill Road. Discussion followed on potential impacts from drainage and on private wells. J. Heavisides explained that the drainage plan for the site, and that septic and drainage would not be directed or designed that would impact the abutters. Hub Seward, Conservation Commission, asked for a lot consolidation to occur as part of the

project, and the applicant stated that would be possible once details on easements are finalized with the State. After additional discussion, the Chairman closed the hearing, thanked the applicant for the presentation, declared a 5 minute break at 8:10 PM. At 8:15 PM the Chairman declared the meeting reopened, and noted for the record that the applicant for the Hitchiner and Barrett Old Farm Golf Links site plans asked that the hearings on these be postponed to the April 20th Planning Board meeting.

Old Business

4. Falcon Ridge/River Road Trust – Maple Street and Whiting Hill Road – Map 3, Lots 4 and 5 – Open space subdivision consisting of 46 lots. (See minutes that reflect total number of new residential lots to be 45)

The Chairman recognized J. Heavisides, Meridian Land Services and engineer for the applicant, Steve Moheban. J. explained that they were before the Board seeking Board approval of a change in the plans due to a change in the boundary for the subdivision that had been discovered upon review in the office. The change incorporates deleting approximately 2.1 acres (shown as part of 3-1) from the overall subdivision acreage, and making adjustments to the cul-de-sac with the total number of lots will remain at 45 (as previously determined at the Planning Board). Discussion followed on issues relating to access to this lot determined to not be part of the development, and whether or not it could be further subdivided in the future. There was also much discussion on what this adjustment in the boundary did to the open space network, and whether an important connection was being lost. S. Sareault asked that the developer look at these impacts and at possibly incorporating open space easements to connect the open space along the southerly sides of the development.

Discussion concluded, and a motion was made by J. Dannis that a maximum of 45 lots be allowed within the revised subdivision boundary. The motion was seconded by W. Fitch, and unanimously approved.

5. Jamin Warren / Wyman Farm, LLC –Ponemah Hill Road – Map 54, Lots 1 and 1-1; and Map 53, Lots 25 and 26 – Design Review for an open space subdivision consisting of 13 lots. (Tabled from 2/17/04)

Chairman S. Sareault explained that this application was tabled from the previous month to allow an opportunity for a site walk, and that at tonight's meeting the Board should determine the appropriate number of lots for the open space subdivision. The Chairman recognized Ray Shea, Sandford Surveying and Engineering and engineer for the project. R. Shea explained that there open space intent is to preserve the character of Ponemah Hill Road, by not incorporating building lots along the roadway. The developer's strong preference is to cluster lots to the rear of the property, instead, however this concept would be predicated on obtaining a waiver of the dead end road length from 600' to approximately 1400'. R. Shea noted that the open space requirements can be met either way, and another reason supporting the waiver for 1400' is to allow for future access to both the Lorden and Ciardelli lots to the east and south.

It was made clear that no waivers would be necessary in a conventional subdivision layout, as shown to the Board at the February meeting and this evening, to allow for 14

lots, which had also been confirmed by Planning Staff review based on soils, lot layout, and applicable design standards. A great deal of discussion followed, and Board members could not reach consensus on the value of what open space to protect, whether a waiver should be granted to accommodate preservation of the rural roadway character, whether providing future access to the east and south was an important planning consideration. It was asked by the Chairman, of both developer Steve Desmarais and property owner Jamin Warren, whether they could live with a limit of 11 lots and 600 feet of dead-end road. Both gentleman said they could not agree to that stipulation.

Further discussion ensued. J. Dannis made a motion to allow 14 residential lots to be incorporated into the open space subdivision. T. Sloan seconded the motion, and the motion was unanimously approved.

P. Amato then made a motion to limit the new road to 600'. J. Dannis seconded the motion for discussion. A vote was then taken, J. Dannis – no; T. Sloan – abstain; W. Fitch – yes; P. Amato – yes. S. Sareault – no. The motion failed. The road length discussion continued. P. Amato said there was a lot of land that could be opened up for development if the road was extended. J. Dannis stated that good planning necessitated opening up and linking roads, and that he was supportive of preserving the rural road character, and that this proposal was a trade-off to accomplish open space goals. T. Sloan stated that a 50' easement could be provided for future access. J. Dannis sought further rationale from P. Amato on his thinking, and P. Amato said that he was concerned with frontages, road lengths, dead-ends, enforcing the ordinance on the books, and allowing for two additional lots if the road was extended.

T. Sloan made a motion to allow a 600' dead-end road. P. Amato seconded. There was discussion that this was allowed anyway, and a motion wasn't needed. No vote was taken. J. Dannis asked if there was a way to provide for the 600' dead-end, preserve the fields along Ponemah Hill Road, and allow for future connections. S. Sareault said not likely, and that the trade-offs as proposed were worthwhile. S. Sareault also questioned whether there was any possibility for a concession on the number of lots, say 10 new lot, S. Desmarais and J. Warren said that would not be economical. S. Sareault then said he favored the 1400' road, with 11 new lots because it was good planning and good open space design. J. Dannis agreed that the main reason to grant the waiver, and waivers are to be taken seriously, is to get the benefit of the open space and the tradeoff is the extra lots.

T. Sloan then made a motion to approve a maximum of 11 lots with no waiver. P. Amato seconded the motion. B. Parker interjected to explain that the Board would need to retract its previous motion to allow a maximum of 14 lots. B. Parker also explained that the purpose of presenting a conventional plan at the design review stage is to determine the number of lots appropriate for the site, and that the number of allowable lots are then incorporated in the best open space design possible.

T. Sloan then withdrew his motion. J. Dannis then made a motion to grant a waiver to the 600' dead-end road regulation and allow a 1400' dead end road in exchange for preserving the open space lots along Ponemah Hill Road. There was no second and the motion died.

P. Amato then made a motion to not allow a waiver to the 600' dead-end road regulation. J. Dannis seconded the motion. The vote was as follows: J. Dannis – no; T. Sloan – yes; W. Fitch – yes; S. Sareault – no; P. Amato – yes. The motion carried 3-2.

S. Desmarais then asked the Board about a similar subdivision discussion, that being Homestead Circle (Singer Brook). Discussion followed on whether the open space regulations are a tool for growth control, as is sometimes brought up by Board members. J. Dannis made it clear for the record that road length issues are discussed in the context of safety and access, not as a means to control or limit growth. S. Desmarais made it clear he would be back with a loop road configuration of some kind.

There was no further discussion, and motion was made by J. Dannis to table further design review discussion until April 20th. Seconded by P. Amato, all in favor.

6. Other Business

- a. Member reappointments: upon a motion by J. Dannis, seconded by W. Fitch, the Board and unanimously approved, the Board recommended the reappointment of both Steve Sareault and Tom Sloan to 3 year terms.

The recommendation will be sent to the Board of Selectmen.

- b. Bill Parker asked the Board for clarification on the phasing condition for the **Patch Hill** subdivision. B. Parker explained that the appraiser for the subdivision, J. Rizzi, had pointed out wording in the condition that was added to the signed and recorded subdivision plan, that said the first 15 building permits could not be issued until one year after the signing of the plan, and that he believed the Board had intended the condition to be no more than 15 permits to be issued within the first year after signing of the plan.

The Board agreed that what B. Parker was describing was their intent, and that the Board had not intended to require a condition stating no building permits for one year after the signing of the plan, and that condition made no sense. Although no motion was made, the Board unanimously agreed that its intent was to allow 15 building permits within the first year after signing the plan, 11 permits within the second 12 months, and 11 permits during the third 12 months, and that the permits could not be cumulative.

There being no more business, the Chairman adjourned the meeting at 10:15 PM.

March 16, 2004 Planning Board Minutes approved by the Milford Planning Board on May 4, 2004, upon a motion by Jim Dannis, seconded by Noreen O'Connell, and unanimously in favor.